

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, MAY 24, 2005
COUNTY COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
1:30 P.M.

Commissioners Present: Larry Hudkins, Chair
Deb Schorr, Vice Chair
Bernie Heier
Ray Stevens
Bob Workman

Others Present: Kerry Eagan, Chief Administrative Officer
Bruce Medcalf, County Clerk
Kristy Mundt, Deputy County Attorney
Gwen Thorpe, Deputy Chief Administrative Officer

The Board of Commissioners meeting was called to order at 1:30 p.m..

- 1) **MINUTES: Approval of the minutes of the Board of Commissioners meeting held on Tuesday, May 17, 2005.**

MOTION: Heier moved and Workman seconded approval of the minutes of the Board of Commissioners meeting dated May 17, 2005. Schorr, Stevens, Workman, Heier and Hudkins voted aye. Motion carried.

- 2) **SPECIAL PRESENTATIONS:**

A. Installation of "Welcome to Cheney" sign at the 91st Street entrance to Cheney- Gayle Hanshaw, Cheney Community Improvement Program President

Gayle Hanshaw, Cheney Community Improvement Program President, appeared and gave a brief history regarding the Community Improvement Program and some of the various projects they have completed. This year, he stated, their project has been a "Welcome to Cheney" sign at the 91st Street entrance to the village. He thanked Commissioner Schorr for her assistance with the project and indicated they hope to have some type of media event in connection with the installation of the new signage.

3) **CLAIMS: Approval of all claims processed through Tuesday, May 24, 2005.**

MOTION: Workman moved and Stevens seconded approval of all claims processed through May 24, 2005. Heier, Workman, Stevens, Schorr and Hudkins voted aye. Motion carried.

4) **PUBLIC HEARINGS:**

A. An application for Corporate Manager for Jason Lee Meininger in connection with an application for a Class B (Beer Off Sale) and a Class I (Bottle Club) liquor license for Hidden Valley Estates L.L.C. d/b/a Hidden Valley Golf Course, located at 10501 Pine Lake Road, Lancaster County, Nebraska.

The Chair opened the public hearing and asked if anyone wished to testify.

The Clerk administered the oath to Bryan Mick, attorney representing Hidden Valley Estates, L.L.C., and Jason Meininger, applicant for the Corporate Manager license.

Mick stated the previous clubhouse was burnt down last fall to allow for construction of a new structure. He explained that they are using a temporary clubhouse (a former residence), which has been fully converted and is code compliant, until the new permanent structure is completed. He stated they are asking for approval of the application, including the temporary clubhouse, with an approval of the permanent clubhouse upon receipt of the Health Department inspection and a letter from Building and Safety. Mick stated the target date for completion of the permanent structure is July, but it may extend into August.

In response to a question asked by Hudkins, Meininger stated he had been in the golf industry for 20 years. He said he oversaw the golf operation and the temporary building\ snack bar operation at Wilderness Ridge for three years. Meininger stated due to his experience at Wilderness Ridge, the owners transferred him to Hidden Valley to oversee operations at that location.

Hudkins asked Meininger if he completed the Responsibility Hospitality course.

Meininger stated he had not taken the course, however, he would be willing to complete it.

4) **PUBLIC HEARINGS CONTINUED:**

Hudkins asked if anyone else wished to testify.

No one appeared and the hearing was recessed for one week.

B. County Change of Zone 05027, requested by the Lancaster County Board of Commissioners, for a text amendment to the Lancaster County Zoning Resolution to include approved amusement license uses as an approved conditional use in the AG Agricultural District. (See New Business Item 5A for correlating resolution.)

The Chair opened the public hearing and asked if anyone wished to testify.

The Clerk administered the oath to Mike DeKalb, Planning Department.

DeKalb explained the text change clarifies that approved amusement licenses are a permitted use under the conditional use section of the zoning code for a period of one year.

The Chair asked if anyone else wished to testify.

No one appeared and the hearing was closed.

5) **NEW BUSINESS:**

A. A resolution in the matter of County Change of Zone 05027, requested by the Lancaster County Board of Commissioners, for a text amendment to the Lancaster County Zoning Resolution to include approved amusement license uses as an approved conditional use in the AG Agricultural District. (R-05-0058)

MOTION: Stevens moved and Workman seconded approval of Resolution 05-0058 in the matter of County Change of Zone 05027, requested by the Lancaster County Board of Commissioners, for a text amendment to the Lancaster County Zoning Resolution to include approved amusement license uses as an approved conditional use in the AG Agricultural District. Heier, Workman, Schorr, Stevens and Hudkins voted aye. Motion carried.

5) **NEW BUSINESS CONTINUED:**

B. A resolution in the matter of transferring appropriations from the General Fund Miscellaneous Budget to various general fund agencies, in the amount of \$689,939. (C-05-0059)

MOTION: Heier moved and Workman seconded approval of Resolution 05-0059 in the matter of transferring appropriations from the General Fund Miscellaneous Budget to various general fund agencies, in the amount of \$689,939. Heier, Workman, Stevens, Schorr and Hudkins voted aye. Motion carried.

C. Two applications for Special Designated Licenses from Hillcrest Country Club, located at 8901 "O" Street, Lincoln, Lancaster County, Nebraska to provide liquor beverage service in connection with golf tournaments to be held on Sunday, May 29, 2005 from 7 a.m. to 1 a.m. and on Sunday, June 5, 2005 from 7 a.m. to 1 a.m..

MOTION: Schorr moved and Heier seconded approval of two applications for Special Designated Licenses from Hillcrest Country Club, located at 8901 "O" Street, Lincoln, Lancaster County, Nebraska to provide liquor beverage service in connection with golf tournaments to be held on Sunday, May 29, 2005 from 7 a.m. to 1 a.m. and on Sunday, June 5, 2005 from 7 a.m. to 1 a.m.. Schorr, Heier, Workman, Stevens and Hudkins voted aye. Motion carried.

D. An interlocal agreement between Lancaster County and the City of Lincoln for the transport and housing of City offenders in County correctional facilities. Term of the agreement is from July 1, 2005 through June 30, 2006 with automatic renewal for successive periods of one year unless either party provides written notice of its intention to renegotiate or terminate the agreement at least 90 days prior to the anniversary date. (C-05-0274)

MOTION: Stevens moved and Schorr seconded approval of an interlocal agreement between Lancaster County and the City of Lincoln for the transport and housing of City offenders in County correctional facilities. Stevens, Workman, Heier, Schorr and Hudkins voted aye. Motion carried.

5) **NEW BUSINESS CONTINUED:**

E. An agreement with Region V Systems for Emergency Protective Custody services at the Lancaster County Crisis Center. Term of the agreement is from July 1, 2005 to June 30, 2006. Region V will enter into separate agreements with referring counties who will send acutely mentally ill individuals to Lancaster County. The County will be paid \$106 per individual for the County fee and \$52 for the rural pool for each individual. (C-05-0275)

MOTION: Schorr moved and Stevens seconded approval of an agreement with Region V Systems for Emergency Protective Custody services at the Lancaster County Crisis Center. Term of the agreement is from July 1, 2005 to June 30, 2006. Heier, Stevens, Schorr, Workman and Hudkins voted aye. Motion carried.

F. An agreement with Nancee Blum to present a workshop entitled "Diagnosis and Treatment of Borderline Personality Disorder" to the clinical staff at the Community Mental Health Center on June 8, 2005. The County will pay \$1,800 for the services and also reimburse Ms. Blum for mileage and meals at the County per diem rate. (C-05-0276)

MOTION: Stevens moved and Workman seconded approval of an agreement with Nancee Blum to present a workshop entitled "Diagnosis and Treatment of Borderline Personality Disorder" to the clinical staff at the Community Mental Health Center on June 8, 2005. Workman, Schorr, Stevens, Heier and Hudkins voted aye. Motion carried.

G. Supplemental Agreement No. 1 with the State of Nebraska, Department of Roads for Project BRO-7055(101), Waverly North. The County previously entered into an agreement with the State regarding this project on August 3, 1999. The supplemental agreement sets the funding allocation for the project as follows: Federal-Aid Bridge Replacement Funds 80 percent; State-Aid Bridge Funds five percent; and County funds 15 percent. All other terms and conditions of the original agreement will apply. (C-05-0277)

5) **NEW BUSINESS CONTINUED:**

MOTION: Workman moved and Stevens seconded approval of Supplemental Agreement No. 1 with the State of Nebraska, Department of Roads for Project BRO-7055(101), Waverly North. The County previously entered into an agreement with the State regarding this project on August 3, 1999. Stevens, Workman, Heier, Schorr and Hudkins voted aye. Motion carried.

H. An administrative service agreement between Lancaster County and United Healthcare Insurance Company which covers the services United Healthcare Insurance provides the County for use with the County's self-funded employee health insurance plan. (C-05-0284)

MOTION: Schorr moved and Stevens seconded approval of an administrative service agreement between Lancaster County and United Healthcare Insurance Company which covers the services United Healthcare Insurance provides the County for use with the County's self-funded employee health insurance plan. Schorr, Stevens, Heier, Workman and Hudkins voted aye. Motion carried.

I. Certification of the amendment to the Lancaster County self-funded employee health plan document to provide for security of Electronic Protected Health Information that is created, received, maintained or transmitted to the Plan Sponsor as required by the Health Insurance Portability and Accountability Act of 1996 (HIPAA). (C-05-0285)

MOTION: Heier moved and Workman seconded approval of certification of the amendment to the Lancaster County self-funded employee health plan document to provide for security of Electronic Protected Health Information that is created, received, maintained or transmitted to the Plan Sponsor as required by the Health Insurance Portability and Accountability Act of 1996 (HIPAA). Stevens, Schorr, Heier, Workman and Hudkins voted aye. Motion carried.

J. Amendment to the Lancaster County self-funded employee health plan document to provide for security of Electronic Protected Health Information that is created, received, maintained or transmitted to the Plan Sponsor as required by the Health Insurance Portability and Accountability Act of 1996 (HIPAA). (C-05-0286)

5) **NEW BUSINESS CONTINUED:**

MOTION: Stevens moved and Workman seconded approval of an amendment to the Lancaster County self-funded employee health plan document to provide for security of Electronic Protected Health Information that is created, received, maintained or transmitted to the Plan Sponsor as required by the Health Insurance Portability and Accountability Act of 1996 (HIPAA). Schorr, Stevens, Heier, Workman and Hudkins voted aye. Motion carried.

K. Application for a United Healthcare policy of excess risk insurance, Policy Number GA-704579AL, for the Lancaster County self-funded employee health insurance. (C-05-0287)

MOTION: Heier moved and Workman seconded approval for a United Healthcare policy of excess risk insurance, Policy Number GA-704579AL, for the Lancaster County self-funded employee health insurance. Workman, Schorr, Heier, Stevens and Hudkins voted aye. Motion carried.

L. Change Order Number 3 with Cheever Construction Company for the remodel of the Jennie B. Harrell Attention Center, adding \$3,686 to the contract. (C-05-0288)

MOTION: Workman moved and Stevens seconded approval of Change Order Number 3 with Cheever Construction Company for the remodel of the Jennie B. Harrell Attention Center, adding \$3,686 to the contract. Heier, Workman, Stevens, Schorr and Hudkins voted aye. Motion carried.

M. Change Order Number 4 with Cheever Construction Company for the remodel of the Jennie B. Harrell Attention Center, adding \$1,588 to the contract. (C-05-0289)

MOTION: Workman moved and Heier seconded approval of Change Order Number 4 with Cheever Construction Company for the remodel of the Jennie B. Harrell Attention Center, adding \$1,588 to the contract. Schorr, Stevens, Workman, Heier and Hudkins voted aye. Motion carried.

5) **NEW BUSINESS CONTINUED:**

N. A sub-grant award agreement between Lancaster County and Nebraska Emergency Management Agency (NEMA) for the Fiscal Year 2005 Department of Homeland Security Grant for the Citizen Corps Project, in the amount of \$19,760.

Doug Ahlberg, Emergency Management Director, stated the supplemental grant will allow the continuation of Community Emergency Response Team (CERT) training through the County.

MOTION: Stevens moved and Schorr seconded approval of a sub-grant award agreement between Lancaster County and Nebraska Emergency Management Agency (NEMA) for the Fiscal Year 2005 Department of Homeland Security Grant for the Citizen Corps Project, in the amount of \$19,760. Workman, Schorr, Heier, Stevens and Hudkins voted aye. Motion carried.

O. Recommendation from the Purchasing Agent and the Office Seating Analysis Committee to award a request for proposal (RFP) for office seating for the combined annual requirements of Lancaster County and the City of Lincoln as follows:

- ▶ Advanced Office Interiors - 51 to 53 percent off list price
- ▶ All Makes Office Equipment - 54 to 60 percent off list price
- ▶ Sheppard's Business Interiors - U.S. Communities Contract
- ▶ Surroundings - 57.7 percent off list as per General Services Administration (GSA) mirror price

The award of the contracts will be for one year periods with four additional one year periods with mutual consent. Orders will be placed on an as needed basis and billed direct to the individual department/division/agency. The contracts will also establish discounted prices, terms and conditions of the program. (B-05-0021)

MOTION: Stevens moved and Schorr seconded approval of request for proposal as recommended by the Purchasing Agent and the Office Seating Analysis Committee. Heier, Workman, Stevens, Schorr and Hudkins voted aye. Motion carried.

5) **NEW BUSINESS CONTINUED:**

P. Authorization of Wells Fargo Bank, as trustee, to disburse and make payment from the Lancaster County Limited Tax Building 2004 Construction Fund to the following payees:

- ▶ Progressive Construction Company, in the amount of \$80,512.33, for the Sheriff's vehicle garage
- ▶ Cheever Construction Company, in the amount of \$92,561.70, for the remodel of the old Attention Center for CenterPointe

Total payment request is \$173,074.03

MOTION: Workman moved and Stevens seconded approval of the authorization of Wells Fargo Bank, as trustee, to disburse and make payment from the Lancaster County Limited Tax Building 2004 Construction Fund to Progressive Construction Company, in the amount of \$80,512.33, for the Sheriff's vehicle garage and to Cheever Construction Company, in the amount of \$92,561.70, for the remodel of the old Attention Center for CenterPointe. Total payment request if \$173,074.03. Workman, Stevens, Schorr, Heier and Hudkins voted aye. Motion carried.

Q. A political subdivision tort claim filed against the Lancaster County Corrections Department by Brett McArthur, on behalf of Bessie C. Smidt, for damages.

MOTION: Heier moved and Stevens seconded to accept the recommendation of the Corrections Director and deny a political subdivision tort claim filed against the Lancaster County Corrections Department by Brett McArthur, on behalf of Bessie C. Smidt, for damages. Stevens, Heier, Workman, Schorr and Hudkins voted aye. Motion carried.

6) **CONSENT ITEMS:** These are items of business that are routine which are expected to be adopted without dissent. Any individual item may be removed for special discussion and consideration by a Commissioner or by any member of the public without prior notice. Unless there is an exception, these items will be approved as one with a single vote of the Board of Commissioners. These items are approval of:

A. Setting of public hearings for Tuesday, June 7, 2005 at 1:30 p.m. in the County Commissioners Hearing Room, Room 112, on the first floor of the County-City Building regarding the following:

6) **CONSENT ITEMS CONTINUED:**

1. Comprehensive Plan Amendment 04010, requested by the Director of Planning at the request of Apple's Way, L.L.C., to amend the 2025 Lincoln/Lancaster County Comprehensive Plan, to change the land use designation from Urban Residential to Commercial on approximately 39.13 acres generally located at South 66th Street and Highway 2 in Lancaster County, Nebraska.
2. Comprehensive Plan Conformance 05003, requested by Prairie Solitude, L.L.C., adopting the proposed conservation easement for the preservation of native prairie.

B. Requests from the following to voluntarily participate in the Lancaster County Retirement Plan having met the requirements:

- ▶ Nikica Pavlovic, an employee with Lancaster Manor
- ▶ Sally Lohmeier, an employee with Lancaster Manor

C. Right-of-way contracts relating to road improvements between the Lancaster County Engineering Department and the following individuals:

- ▶ Victor L. and Bernadette A. Benes, in the total amount of \$6,308.50, on Northwest 27th Street between West Alvo Road and Waverly Road; Project C55-F-415(3). (3 contracts) (C-05-0278 through C-05-280)
- ▶ Gary L. and Ellen M. Hellerich, in the amount of \$262.50, on Northwest 27th Street north of West Little Salt Road; C.P.C-160. (C-05-0281)
- ▶ Dale E. and Rhoda E. Retzlaff on Van Dorn Street east of North 162nd Street; Project C.P.J-237. This is a donation. (C-05-0282)
- ▶ Antoinette R. Keim, in the amount of \$230.50, on Old Cheney Road between South 148th and South 190th Streets; Project C55-Q-407(2). (C-05-0283)

MOTION: Workman moved and Stevens seconded approval of the Consent Items. Heier, Workman, Schorr, Stevens and Hudkins voted aye. Motion carried.

7) **ANNOUNCEMENTS:**

Schorr requested the public hearing scheduled for May 31, 2005 regarding Comprehensive Plan Amendment 05012 be postponed until the City Council makes a decision.

8) **ADJOURNMENT:**

MOTION: Schorr moved and Workman seconded adjournment of the Board of Commissioners meeting at 2:20 p.m.. Heier, Workman, Stevens, Schorr and Hudkins voted aye. Motion carried.

Bruce Medcalf
County Clerk

**MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, MAY 24, 2005
COUNTY COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
IMMEDIATELY FOLLOWING THE REGULAR BOARD OF COMMISSIONERS
MEETING**

Commissioners Present: Larry Hudkins, Chair
Deb Schorr, Vice Chair
Bernie Heier
Ray Stevens
Bob Workman

Others Present: Norm Agena, County Assessor/Register of Deeds
Kerry Eagan, Chief Administrative Officer
Bruce Medcalf, County Clerk
Kristy Mundt, Deputy County Attorney
Gwen Thorpe, Deputy Chief Administrative Officer

The Board of Equalization meeting was called to order at 2:20 p.m..

- 1) **MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, May 17, 2005.**

MOTION: Stevens moved and Workman seconded approval of the minutes of the Board of Equalization meeting dated May 17, 2005. Schorr, Stevens, Workman, Heier and Hudkins voted aye. Motion carried.

- 2) **ADDITIONS AND DEDUCTIONS:**

Approval of 33 additions and deductions to the tax assessment rolls per Exhibit A.

MOTION: Schorr moved and Stevens seconded approval of the additions and deductions to the tax assessment rolls. Workman, Schorr, Heier, Stevens and Hudkins voted aye. Motion carried.

3) **APPROVAL OF 2005 451A WITH A LATE FILING PENALTY FOR THE FOLLOWING:**

**Lincoln Woman's Club
Sheridan Child Development Center**

Norm Agena, County Assessor/Register of Deeds, recommended approval of the late filing penalties.

MOTION: Workman moved and Heier seconded to accept the recommendation of the County Assessor/Register of Deeds and approve the 2005 451A exemptions with a late filing penalty for Lincoln Woman's Club and Sheridan Child Development Center. Heier, Workman, Stevens, Schorr and Hudkins voted aye. Motion carried.

4) **APPROVAL OF 2005 PARTIAL 451A WITH LATE FILING PENALTY:**

Lincoln Woman's Club

MOTION: Workman moved and Heier seconded to accept the recommendation of the County Assessor/Register of Deeds and approve a 2005 451A partial exemption with a late filing penalty for Lincoln Woman's Club. Workman, Stevens, Schorr, Heier and Hudkins voted aye. Motion carried.

5) **DENIAL OF 2005 451 APPLICATION FOR THE FOLLOWING:**

**National LambdaRail
St. Monica's**

Agena stated his recommendation for National LambdaRail is denial based on a recommendation from the General Counsel at the Property Assessment and Taxation Division. He stated it is not clear who owns what property.

Agena also recommended denial for St. Monica's because no building permits have been issued.

MOTION: Heier moved and Workman seconded to accept the recommendation from the County Assessor/Register of Deeds and deny the 2005 451 tax exemption for National LambdaRail and St. Monica's. Stevens, Heier, Workman, Schorr and Hudkins voted aye. Motion carried.

6) **ADJOURNMENT:**

MOTION: Schorr moved and Heier seconded adjournment of the Board of Equalization meeting at 2:25 p.m.. Heier, Workman, Schorr, Stevens and Hudkins voted aye. Motion carried.

Bruce Medcalf
County Clerk